

## **AGENDA**

### **TUSAYAN TOWN COUNCIL MUNICIPAL CODE WORKSHOP**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, November 5, 2014 at 5:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town Council will hold a Meeting and Municipal Code workshop open to the public on Wednesday, November 5, 2014 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

### **TOWN COUNCIL MUNICIPAL CODE WORKSHOP**

#### **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

#### **2. ROLL CALL**

**MAYOR GREG BRYAN  
VICE MAYOR AL MONTOYA**

**COUNCILMEMBER BILL FITZGERALD  
COUNCILMEMBER JOHN RUETER  
COUNCILMEMBER CRAIG SANDERSON**

*\* One or two Councilmembers may attend by telephone*

#### **3. DISCUSSION OF DRAFT LANGUAGE FOR THE TUSAYAN MUNICIPAL CODE**

**A. Chapter 2 – Mayor and Council**

**B. Chapter 3 – Manner of Elections**

**C. Chapter 5 – Boards and Commissions**

#### **4. MOTION TO ADJOURN**

### **CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this \_\_\_\_\_ day of October, 2014, at \_\_\_\_\_ pm in accordance with the statement filed by the Tusayan Town Council

\_\_\_\_\_  
Signature of person posting the agenda

## **CHAPTER 2**

### **COUNCIL AND MAYOR**

#### **Article 1 Council**

#### **Article 2 Mayor**

#### **Article 3 Council Procedures**

#### **Article 4 Ordinances, Resolutions and Contracts**

#### **Article 1**

#### **Council**

##### **2.1.1 Elected Officers**

##### **2.1.2 Corporate Powers**

##### **2.1.3 Assumption of Office**

##### **2.1.4 Oath of Office**

##### **2.1.5 Vacancies in Council**

##### **Section 2.1.1 Elected Officers**

- The elected officers of the Town shall be five (5) Council members one of whom shall be designated as Mayor in accordance with article 2 of this chapter. The Mayor and Council members shall constitute the Town Council and shall continue in office until assumption of duties of office by their duly elected successors.
- The term of office of Council members shall be four years.
- Council members shall serve four-year staggered terms as provided by ARS § 9-232.02, as may be amended, with three (3) members in one class and two (2) in the other class.

##### **Section 2.1.2 Corporate Powers**

The corporate powers of the Town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order or motion.

##### **Section 2.1.3 Assumption of Office**

Members of the Council shall assume the duties of office at the first meeting in November following the date of the general election at which the Council members were elected. If a Council candidate receives a majority of all votes cast at a primary election, then pursuant to ARS § 9-821.01, as may be amended, such candidate shall be declared elected to the office, but effective as of the date of the general election, to be seated as set forth herein.

##### **Section 2.1.4 Oath of Office**

Immediately before assumption of the duties of office, each Council member shall, in public, take and subscribe to the oath of office.

### **Section 2.1.5 Vacancies in Council**

The office of any Council member is deemed vacant pursuant to ARS § 38-291, as may be amended, if such member fails to discharge the duties of his or her office for three (3) consecutive months, including failure to attend Council meetings unless otherwise authorized by the Council.

The Council shall fill by appointment for the unexpired term any vacancy on the Council within 60 days, unless (1) a primary election for Council is set within 120 days and (2) all statutory requirements for filing candidacy papers can be satisfied. A person who has been elected to fill the remainder of an unexpired term of a vacant office may take the oath of office and begin the remainder of the term of office at any time after the canvass of the election. The vacancy shall not reduce any Council quorum requirements.

## **Article 2 Mayor**

### **2.2.1 Determination of Mayor and Vice Mayor**

#### **2.2.2 Acting Mayor**

#### **2.2.3 Powers and Duties of the Mayor**

#### **2.2.4 Failure to Sign Documents**

### **Section 2.2.1 Determination of Mayor and Vice Mayor**

The Mayor shall be selected by the Common Council from among the members of the Council at the first meeting after the canvassing of an Election for members of the Town Council that occurs every two years. The Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during his or her absence or disability.

### **Section 2.2.2 Powers and Duties of the Mayor**

The powers and duties of the Mayor shall include the following:

- A. He or she shall be the chief executive officer of the Town
- B. He or she shall be the chairman of the Council and preside over its meetings. He/she may make and second motions and shall have a voice and vote in all of its proceedings.
- C. He or she shall enforce the provisions of this code.
- D. He or she shall execute and authenticate by his or her signature such instruments as the Council, or any statutes, ordinances, or this code shall require.
- E. He or she shall make recommendations and suggestions to the Council as he or she may consider proper.
- F. He or she shall govern by proclamation in the event of the threat of or occurrence of acts of riot, rout, or affray sufficient to constitute a great danger to the Town and its residents.

1. In such areas of the Town as shall be designated by the Mayor by proclamation under the conditions set forth in this section, and within the area within all or any part of the Town so designated in the proclamation, and all persons living or residing within such designated area shall go immediately to their homes, and remain there until the curfew is lifted by order of the Mayor, and all other persons not residing within the designated area shall immediately leave.
  2. During the imposition of any curfew as set forth in this section, all business establishments in the designated curfew area, having on their premises intoxicating beverages, shall be closed during the state of emergency and until the curfew is lifted.
- G. He or she shall perform such other duties required by state statutes and this code as well as those duties required as chief executive officer of the Town.

### **Section 2.2.3 Acting Mayor**

In the absence or disability of both the Mayor and Vice Mayor, the Council may designate another of its members to service as acting Mayor who shall have all the powers, duties, and responsibilities of the Mayor during such absence or disability.

### **Section 2.2.4 Failure to Sign Documents**

If the Mayor refuses or fails to sign any ordinance, resolution, contract, warrant, demand, or other document or instrument requiring his or her signature for five days consecutively, then a majority of the members of the Council may, at any regular or special meeting, authorize the Vice Mayor, or in his or her absence, the acting Mayor to sign such ordinance, resolution, contract, warrant, demand, or other document or instrument which when so signed shall have the same force and effect as if signed by the Mayor.

## **Article 3 Council Procedures**

### **2.3.1 Regular Meetings**

### **2.3.2 Special Meetings and Times and Places of Special Meetings**

### **2.3.3 Posting of Notices**

### **2.3.4 Meeting to be Public**

### **2.3.5 Quorum**

### **2.3.6 Preparation of Agenda**

### **2.3.7 Order of Business**

### **2.3.8 Management of Meetings**

### **2.3.9 Voting**

### **Section 2.3.1 Regular Meetings**

The Town Council will hold regular meetings at 6:00 p.m. on the first and third Wednesday of the month at the Town Hall for general business and public hearings as may be required by law, with work sessions to be held, as needed, before a regularly scheduled meeting, and the fourth Tuesday set aside for Planning & Zoning matters. If a regular meeting or work session is cancelled, such as near a holiday, notice of the cancellation shall be posted.

### **Section 2.3.2 Special Meetings and Times and Places of Special Meetings**

- A. The Mayor, after public vote of the Council to schedule a special session within the jurisdiction of the Town, shall direct staff to schedule a special session of the Council, to begin at a time and place designated in the motion. In addition, the Mayor or Vice Mayor if the mayor is absent pursuant to Section 2-2-5, and the Town Manager may jointly schedule a special session to be held at a time and in appropriate facilities within the town limits when an urgent and/or unforeseen event or matter arises between regularly scheduled meetings after confirmation of the availability of a quorum. Special Meetings shall be posted in the same manner as regular meetings by the Town Clerk.
- B. Notices and agendas will be posted for the special sessions as required by law.
- C. Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on **controversial topics** likely to interest citizens of the Town in general rather than a particular neighborhood.

### **Section 2.3.3 Posting of Notices**

- A. Notice of Council meetings and agendas shall be posted at Town Hall, the local general store, and on the Town's website. Other public notices, such as public meetings of Commissions, committees, or boards, bidding, holidays, auctions, and zoning matters, will be posted in the same manner. Locations for posting may be changed by Council resolution.
- B. All notices shall contain a statement of posting signed by the Town Clerk or a designated representative showing the date and time of posting.
- C. **Posting of Alternate Meeting Locations.** In addition to the locations and content specified by 2-3-3 (Posting of Legal Notices), the Town Manager or Mayor may request that a meeting or public hearing, which may attract a large audience, or need special presentation facilities, be scheduled for an alternate site suitable for public participation. If the Council votes to change the location for that meeting, notice of the location change shall be posted in the normal locations and the meeting may be called to order at the site without first being called to order at the Town Hall Council Chamber. This does not preclude the Council from relocating a meeting that is in progress to accommodate a crowd that exceeds maximum occupancy limits as established for Council Chambers.

### **Section 2.3.4 Meeting to be Public**

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law.

### **Section 2.3.5 Quorum**

No action shall be taken unless a quorum is present. Three or more Council members (the Mayor counting as a member) shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time to compel the attendance of absent members. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of three (3) votes, to enact any measure, resolution, ordinance, or other business on the agenda.

### **Section 2.3.6 Preparation of Agenda**

- A. Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda in consultation with the Manager, Mayor, and no more than two (2) Council members of the Council according to the order of business and furnish each Council member, the Mayor and the Attorney with a copy of the agenda and other necessary reports and materials together with a copy of the minutes of the last preceding Council meeting.

From time to time, addenda and late additions to the agenda are required and may be authorized by the Manager and Mayor due to extenuating circumstances beyond the control of the person requesting the addendum or late addition.

- B. All Council members are authorized to place item(s) on the agenda. Agenda item requests are to be submitted in written form to the Clerk. If the number of scheduled agenda items prevents the scheduling of a requested agenda item, the Mayor (with the consent of the requesting Council member) may schedule the requested item to be heard at the next meeting of the Council.
- C. The Town may use a consent agenda to address routine matters coming before the Council.

### **Section 2.3.7 Order of Business**

The business of the Council shall be the following items, not necessarily in that order:

- A. Call to Order: The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum and decide all questions of order and conduct. Questions from the staff or public are addressed to the chair.
- B. Pledge of Allegiance.
- C. Roll Call. Before proceeding with the business of the Council, the Mayor or designee shall record the roll of the members and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2-3-5 of this code.

- D. Consent Agenda: (Routine business, meeting dates, disbursements, and resolutions). Unless a member of the Council requests a reading of the minutes of the Council meeting, the minutes of the preceding meeting shall be considered approved if correct, and errors rectified if any exist.
- E. Call to the Public. The Council on items designated for public input may hear petitions, remonstrances, communications, comments or suggestions from citizens present. All such remarks shall be addressed to the Council as a whole, and not to any member thereof, or the staff. Such remarks shall be limited to three (3) minutes. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. There will also be a Call to the Public for items NOT on the agenda. Council may direct staff to follow up on the item with a report or placement on an upcoming agenda.
- F. Ordinances/Resolutions/Other Actions Requiring Council Approval. The Council shall consider any ordinances or resolutions or other actions requiring Council approval as may be listed on the agenda.
- G. Reports by Officers. Town officials and committees shall present any reports required by the Council.
- H. Information and Updates.
- I. Adjournment. The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

#### **Section 2.3.8 Management of Meetings**

- A. Where practicable, executive sessions will be held prior to the regular business meetings, as opposed to during or following a meeting.
- B. Meetings will conclude at 10:00 p.m. with planned recesses during the meetings.
- C. If an item is opened for public input, the public may address the item one time. Public input is limited to three (3) minutes.
- D. All routine, administrative-type items such as contract awards and approvals, proclamations, etc. may be placed on the Consent Agenda.
- E. Previously approved items, such as budgeted items do not require further Council action and will not be placed on an agenda.
- F. All presentations are limited to ten (10) minutes for the presentation and discussion period.

#### **Section 2.3.9 Voting**

- A. The Mayor shall vote as a member of the Council.
- B. If requested by a Council member, the minutes shall show the ayes and nays of any question to be taken. Council members wishing to abstain for a conflict of interest shall state such on the record prior to any discussion or vote on the item. Any other abstention must be declared at the time of the calling for a vote, or a silence will be recorded as an affirmative vote. The Mayor or chairman of the meeting will announce on the record whether the motion passed or failed.

## **Article 4**

### **Ordinances, Resolutions and Contracts**

#### **2.4.1 Prior Approval**

#### **2.4.2 Introduction**

#### **2.4.3 Reading of Proposed Ordinance**

#### **2.4.4 Requirements for an Ordinance**

#### **2.4.5 Effective Date of Ordinances**

##### **Section 2.4.1 Prior Approval**

All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been reviewed as to form by the attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

##### **Section 2.4.2 Introduction**

Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the attorney or the manager may present ordinances, resolutions and other matters or subjects to the Council, and any member of the Council may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

##### **Section 2.4.3 Reading of Proposed Ordinance**

Ordinances shall be read before adoption, but may be read by title only, if the Council is in possession of printed copies of said ordinance. A member of the Council may request that the ordinance under consideration be read in full.

##### **Section 2.4.4 Requirement for an Ordinance**

Each ordinance shall have one subject **ONLY**, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance and, in such case, the title of the sections to be amended shall be included in the ordinance.

##### **Section 2.4.5 Effective Date of Ordinances**

No ordinance, resolution, or franchise shall become operative until thirty days after its passage by the Council and execution by the Mayor, except measures permitted by law to be adopted as an emergency that are necessary for the immediate preservation of the peace, health or safety of the Town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the Council, taken by ayes and nays.



In addition to the provisions of subsection A of this section, the clerk shall certify the minutes of any Council meeting at which an ordinance, resolution or franchise, except an emergency measure, is passed. The thirty day period specified in subsection A shall be calculated from the date of passage by the Council, execution by the Mayor, and approval as to form by the Town Attorney, and a copy available to the public pursuant to ARS 19-142.C, as may be amended .

## **CHAPTER 3**

### **MANNER OF ELECTIONS**

#### **Article 1 Election Procedures and Call of Elections**

#### **Article 2 Election Results**

#### **Article 3 Ballot Procedures**

#### **Article 4 Initiatives and Referendums**

#### **Article 1**

#### **Election Procedures and Call of Elections**

##### **3.1.1 Election Procedures**

##### **3.1.2 Call of Election**

##### **3.1.3 Notice of Election**

##### **Section 3.1.1 Election Procedures**

The manner of conducting and voting at elections in the Town, of keeping poll lists, counting and canvassing the votes, certifying the returns, declaring the results and notifying the persons elected, contesting the elections, and all acts relating to the elections, shall conform to the provisions of law relating to the general election of County officers as nearly as possible.

##### **Section 3.1.2 Call of Election**

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §9-821.01 City and Town Elections, §39-204 Publication of Notice, and other relevant sections as they may apply.

##### **Section 3.1.3 Notice of Election**

The Town Clerk shall cause to be published a 'Call of Election' approximately 100 days prior to the election date in order to inform the public about the election and to alert candidates to filing dates. Nothing on the ballot shall be indicative of the source of the candidacy or the support of the candidate.

#### **Article 2**

#### **Election Results**

##### **3.2.1 Primary Election Option**

##### **3.2.2 Minimum Number of Votes Required for Election to Office**

##### **3.2.3 General Election**

##### **3.2.4 Candidates Receiving an Equal Number of Votes**

##### **3.2.5 Assuming Office**

### **Section 3.2.1 Primary Election Option**

A candidate is declared elected to office in the Primary Election if that candidate received a majority of all votes cast as set forth in ARS §9-821.01. Using this procedure, a vote cast is the same as a ballot. It is the number of ballots, not the number of choices exercised on each ballot that determines the majority of the total votes cast.

### **Section 3.2.2 Minimum Number of Votes Required for Election to Office**

The minimum number of votes a candidate for Mayor or Council Member must receive to be elected to office under this provision is more than half of the total number of valid votes (ballots) cast at the primary election for all offices.

### **Section 3.2.3 General Election**

If there are offices not filled in the Primary Election, a General Election will be held. The Primary is then considered as an election for nominating candidates for the ensuing General Election. Candidates are qualified for inclusion on the General Election ballot in order of the vote total they received at the Primary Election. No more than twice the number of candidates for which there are vacancies on the Council may be placed on the General Election ballot.

### **Section 3.2.4 Candidates Receiving Equal Number of Votes**

If two or more candidates receive an equal number of votes for the same office and a higher number than any other candidate, whether it is after a canvass or recount, the result shall be determined by lot in the presence of the candidates. The Town Clerk must give five (5) days' notice of the time and place of determining the election by lot to the candidates.

### **Section 3.2.5 Assuming Office**

Candidates receiving the necessary number of votes to be elected in the Primary Election will be sworn into office in the same manner and within the same time period as candidates elected during the General Election, except as provided in Section 2-1-4, Vacancies in Council. If a General Election is unnecessary because all offices are filled at the Primary Election, candidates are not sworn in until after the date that the General Election would have been held.

## **Article 3 Ballot Procedures**

### **3.3.1 County Elections Agreement**

### **3.3.2 Legislative Report**

#### **Section 3.3.1 County Elections Agreement**

The Town shall enter into an intergovernmental agreement with Coconino County Elections Department and Recorder for conducting the election, for electronically scanning and matching the voter signatures and counting of the ballots.

### **Section 3.3.2 Legislative Report**

The Town Clerk shall tabulate and collect information after both elections and, prior to January 1, submit to the Legislature the report required in ARS 16-409.B, as may be amended, including changes in voter turnout, relative costs of mail ballot elections compared to traditional elections, suggestions for improvements or refinements in the mail ballot program, frequency and severity of mail ballot irregularities, voter satisfaction with the election process, and the number of undeliverable ballots.

## **Article 4 Initiatives and Referendums**

### **3.4.1 Power Reserved, Time of Election**

### **3.4.2 Number of Signatures**

### **3.4.3 Time of Filing**

### **3.4.4 Sample Ballots and Publicity Pamphlets**

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §19-124, §19-141 and other relevant sections as they may apply.

### **Section 3.4.1 Power Reserved; Time of Election**

There is reserved to the qualified electors of the Town the power of the initiative and the referendum as prescribed by the State Constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the Mayor and Council for such purpose.

### **Section 3.4.2 Number of Signatures**

The basis upon which the number of qualified electors of the Town required to file a referendum petition shall be as determined by state law.

### **Section 3.4.3 Time of Filing**

- A. Initiative petitions shall be filed at least one hundred twenty (120) days prior to the election at which they are to be voted upon.
- B. Referendum petitions shall be filed within thirty (30) days of the adoption of the ordinance or resolution to be referred. If the Town Clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of the application for an official number or on the same business day of the application, the thirty-day period shall be calculated from the date such ordinance or resolution is available.

### **Section 3.4.4 Sample Ballots and Publicity Pamphlets**

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted upon:

- A. A publicity pamphlet, containing the entire text of the official ballot shall be mailed by the Town Clerk to each household within the Town in which a registered voter resides, not less than ten (10) days prior to the election to which the sample ballot pertains.

- B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition.
- C. Arguments supporting and opposing the propositions appearing on the ballot shall be filed with the Office of the Town Clerk not less than ninety (90) days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:
  - 1. Arguments must relate to the propositions proposed by the initiative or referred by referendum which will appear on the ballot.
  - 2. Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or in opposition to the proposition.
  - 3. Arguments may not exceed three hundred words in length.
  - 4. Arguments must be signed by the person submitting them and notarized pursuant to ARS §19-124. Arguments submitted by organizations shall be signed on behalf of the organization by two (2) executive officers of the organization authorized to take such action, or if a political committee, by the Chairman or Treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number.
  - 5. No person or organization shall submit more than one argument for each proposition to be voted upon.
  - 6. Each argument shall be accompanied by a deposit at the time of filing in an amount determined by the Town Clerk to offset proportional costs of printing. Any unused portion of the deposit will be returned to the filer. This requirement shall not be waived on any account. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested.

## **CHAPTER 5**

### **BOARDS, COMMISSIONS AND COMMITTEES**

#### **Article 1 Composition of Boards and Commissions**

#### **Article 2 Committees**

#### **Article 1**

##### **5.1.1 Membership**

##### **5.1.2 Organization**

##### **5.1.3 Meetings**

##### **5.1.4 General Duties and Requirements**

#### **Section 5.1.1 Membership**

- A. Membership and Organization. Each board and commission shall be made up of five members appointed by the Council in accordance with the procedures contained in subsection B of this article. The organization of boards and commissions shall include a chairperson, and vice-chairperson who are elected from the membership in accordance with Article 4-2.
- B. Selection of New Members. Prior to the expiration of terms for board and commission members, the Town Clerk may call for letters of interest from the general public. Such letters shall be filed with the Town Clerk in accordance with the time lines and other related procedures established by the Council. Membership requirements for appointees are subject to the requirements established in the appropriate resolution or ordinance that created the board or commission. The Council may establish any other requirements at the time such appointments are sought for the purpose of aiding the Council in completing the selection process. Any member of a board or commission appointed by the Council shall reside within the corporate limits of the Town. However, Council may waive the residency requirement with good cause. If a member holding a position relocates outside of the Town limits, other than within 90 days from the end of the appointed term, he or she shall resign from the board or commission.
- C. Terms of Members. All members are appointed to boards and commissions to four (4) year terms that begin on January 1 of the year such appointment is made. Members may be re-appointed to additional terms. Such terms are to be staggered so that the terms of no more than three members shall expire in any given year.
- D. Removal. Members of boards or commissions may be removed for cause including excessive lack of attendance, absences of three consecutive meetings, or more than half of all scheduled meetings in any municipal year, or improper conduct as determined by the Mayor and Council.

### 5.1.2 Organization

First Meeting. Each board and commission, during its first meeting of the month of January of each calendar year, shall:

1. Elect a Chairperson. The board or commission shall accept nominations from its membership for a chairperson. Such nominations shall be made, and seconded, and selection of one chairperson shall result upon a majority vote of the full membership of the board or commission.
2. Elect a Vice-Chairperson. The board or commission shall accept nominations from its membership for a vice-chairperson. Such nominations shall be made, and seconded, and selection of one vice-chairperson shall result upon a majority vote of the full membership of the board or commission.
3. Set the Regular Meeting Schedule. The Council shall establish regular meeting dates and times and regular meeting place by resolution in January of each year. Commissions may schedule special meetings and work sessions subject to approval of the Town Manager.

#### A. Duties of Officers/Members.

The duties and powers of the various officers and members of the boards and commissions are as follows:

1. Chairperson. The chairperson shall preside at all meetings and hearings of the board or commission, decide all points of order or procedure, and perform any duties required by law, ordinance or the requirements established in this chapter. The term of the chairperson shall be one year, unless reelected to succeeding terms by a majority vote of the membership. The chairperson shall be responsible for becoming familiar with and adhering to the provisions of the open meeting law. The chairperson shall also become familiar with the provisions of Roberts Rules of Order, and although general informality in such rules of order may prevail, shall adhere to such rules in the conduct of meetings where emotional content of the subject matter or the conflict of personalities may otherwise interfere with the orderly conduct of business. The chairperson may, to the extent necessary, work with the Town Manager or the Town Manager's designee to the board or commission to assist with special needs, requirements for assistance from the staff, reviewing monthly budget reports and preparation of agendas. The chairperson will determine whether he/she, staff liaison, or designee, will provide a written report to the Mayor and Council summarizing the board or commission activities during the prior quarter, identifying upcoming activities and reviewing any problems, concerns or proposals. Such reports are to be submitted to the Town Clerk for distribution to the Council. Meetings may be scheduled with Council as needed and/or on a regular quarterly basis. In addition, the chairperson shall sign all minutes and resolutions of the board or commission.
2. Vice-Chairperson. The vice-chairperson shall have the responsibility of assuming all of the duties and responsibilities of the chairperson in the event that the chairperson should be absent or the position vacant. Additional duties or activities may be assigned by the chairperson upon majority approval of the board or commission as determined necessary.

### Section 5.1.3 Meetings

- A. Agendas and Minutes. Each board and commission's SUPPORTING DEPARTMENT shall **provide for the posting of agendas and the preparation and approval of minutes for all meetings**. The following minimums shall apply to agendas and minutes:
1. Agendas. Agendas shall be physically posted at the designated posting location(s) a minimum of twenty-four hours in advance of all regular, special, and work sessions meetings of the board or commission.
    - a. Format. The order of the agenda items may be arranged according to the format approved by the board or commission and additional items may be added.  
The agenda format shall include at least the following:
      1. Name of board or commission
      2. Date, time, and place of meeting with a statement that the meeting place is handicapped accessible
      3. Call to order
      4. Roll call
      5. Discussion and possible action on the following items
      6. Consent agenda
      7. Approval of the minutes
      8. Call to the public
      9. New business
      10. Set next meeting, time and date
      11. Adjournment
    - b. Call to the Public. The "Call to the Public" item shall allow for public input on items either on the agenda or other items that may reasonably affect the board or commission. The board or commission may call for non-agenda item input at this time if appropriate input is allowed during all discussion items. The open meeting law prohibits the board or commission from discussing or making decisions on non-agenda items, however, the board or commission may choose to delegate Town staff to handle the issue or place the item for discussion on a future agenda.
    - c. Special or Work Sessions. The board or commission may, upon majority vote and approval of the Town Manager, set a special meeting or work session. In addition, if determined necessary by the affected department head, a special meeting or work session may be called upon discussion with the chairperson.
    - d. Agenda Packets. Upon completion of agenda posting and preparation of attachments to the agenda, copies of the agenda and any attachments shall be made available to the members of the board or commission. Copies of the complete agenda packets shall be placed in the front reception area of Town Hall for disbursal to interested members of the public a minimum of twenty-four hours in advance of the meeting.



e. Agenda Items. The Town Manager or designee, depending upon the format of the board or commission, shall determine the content of the agenda discussion items. If determined prudent for the board or commission, the chairperson may set the agenda with concurrence from the Town Manager or Town Manager's designee. Such procedures are determined necessary to ensure that the business of the board or commission is conducted in a timely manner. Should a member wish to place an item on the agenda, the member may request such at the next regular meeting of the board or Commission. In the case of conflicts, items may be brought to the board or commission for a vote to consider whether or not the item should be agendized. In the case of the planning and zoning commission and the board of adjustments and appeals, all current applications which require review of the board or commission must be agendized in accordance with state law and may not be removed from the agenda until a vote on the matter has occurred.

2. Minutes. The Town Manager will provide for secretarial/recording services for the commissions. DIGITAL recording of work sessions is preferred, but if not possible, detailed minutes shall be taken by hand by the secretary or recording secretary assigned by the department head. The following procedures shall be followed:

a. Approval. Minutes of the previous meeting(s) shall be presented at the most reasonable date following the meeting, usually the next meeting of the board or commission. Such minutes shall be reviewed and approved by a majority vote of the board or commission.

b. Filing. Upon approval of minutes, the signed original shall be provided to the Town Clerk who shall maintain copies for public review.

c. Content. Minutes shall contain, at minimum, the date, time, and place of the meeting, the members of the public body recorded as either present or absent, a general description of the matters considered, an accurate description of all legal actions proposed, discussed, or taken, and the names of members that propose each motion. The minutes shall also include the names of persons as given, making statements or presenting materials to the public body and a reference to the legal action about which they made statements or presented material. If a roll call vote is conducted, the name and vote of all members shall be listed. The minutes shall be as complete as possible with emphasis on discussion to determine the reason(s) for the board or commission's action on an item.

B. Voting Procedures, Quorums and Abstentions. The action of any board or commission shall be taken by a vote of the membership. Voting procedures shall be in accordance with Robert's Rules of Order to the extent practicable and shall include the minimum:

1. Motion. A member of the board or commission only may make a motion, and such motion shall only take place after the introduction of an agenda item. If an agenda item is listed as a public hearing, such motion shall not take place until the public hearing has been called and closed.

2. Second. A motion must receive a second from a member of the board or commission. Once a second is received, additional discussion may take place on the item before the vote is taken. If a motion is not seconded, the motion dies.

3. Voting. The chairperson shall call for a vote upon completion of a motion, second, and any discussion. Such vote shall consist of votes in favor, votes in opposition, or abstentions. For a motion to pass, a minimum of three votes shall be in favor of the motion. If less than three votes are received in favor, the motion is then considered to be a vote of denial of the motion. Items may be tabled or referred to a later agenda if it is determined, by majority vote, that such decision would best be rendered upon receiving more information or if requested by the applicant. Tabling or delaying of agenda items should be based upon a definitive time frame and reason. Such should only be considered when necessary or if the applicant is absent or requests a delay.

4. Quorum. A majority of the membership of the board or commission is considered a quorum. If a quorum is present, the meeting shall commence and voting may occur. An affirmative vote shall be unanimous if only a quorum of members are present.

5. Abstentions/Conflict of Interest. If a member of a board or commission determines that they have a conflict of interest, they shall remove themselves from the meeting room and not take part in either the discussion or the vote. Such conflict should be stated prior to the item being introduced or just after introduction but prior to discussion. A member may abstain from voting on an item even if a conflict of interest is not present; however, this is not a preferred action.

#### **Section 5.1.4 General Duties and Requirements**

All boards and commissions are established by a separate document that conveys the specific duties and powers of the group. The following general duties and requirements apply to all members of boards and commissions.

- A. The board or commission must operate under the statutory requirements of the Arizona Revised Statutes. Upon appointment to a board or commission, such member shall obtain information regarding the open meeting law and shall become familiar and abide by all statutory requirements. All members of a board or commission are to be provided with copies of this chapter upon appointment and shall become familiar with the duties and requirements of this chapter and other ordinances, resolutions, or information affecting the board or commission and the general subject matter/department which they discuss.
- B. Actions of a board or commission are recommendations only, and final action shall be taken by the Council upon items involving financial matters or other items affecting the duties of the staff or creation of new rules and regulations in accordance with state law. The decisions of the board of adjustments and appeals are final unless appealed to superior court.
- C. A subcommittee of members of the board or commission may meet to discuss special projects as long as such subcommittee is less than a majority of members, such special subcommittee may be assigned only from the membership and shall not be construed to allow for appointment of non-members to any special committee or group unless approved by the Council in advance of such action.

- D. Members of boards and commissions are hereby encouraged to interact with persons serving in similar capacities in other communities as well as those regional and state officials whose duties include an advisory capacity to them. The purpose of this chapter is not to encumber each of the boards and commissions with specific duties and responsibilities as to interfere with the opportunity for expression of imagination and creativity. Rather, it is the intent of this chapter to assure the orderly and timely conduct of the business of boards and commissions. Structured activity, procedures, and policies are needed to ensure that the work of the board or commission is worthwhile, productive, and successful.
- E. A board or commission may vote to consider a request for scheduling a joint work session with the Council. Such request may be made in writing after approval of the board or commission and shall include a description of the reason(s) for the meeting. Such request shall then be presented to the Town Manager for consideration of the Council. The Council may also request joint work sessions with any board or commission and may set any items for discussion at such meeting.
- F. All powers and authorities of the Town are reserved to the Mayor and Council, except to the extent that they are specifically delegated to various members of the staff or board or commission by the Mayor and Council or by statute. Boards and commissions serve in an advisory capacity. Notwithstanding such reservation, the following powers and authorities are delegated to the boards or commissions:
  - 1. Each board or commission shall have the power and the express authority to review those matters specifically assigned to it by ordinance or statute. They shall have the power and authority to issue reports and to discuss such reports with the Town Manager and the Council and to hold any necessary public forums required to assist them in the development of any such reports. Said public forums may include discussion with the press, discussions with the public in general, special meetings and public hearings. In no case, however, shall a board or commission have the power or authority to enter into a contract or to obligate the Town to expend funds. Any such contract or obligation of funds shall be undertaken by request submitted to the Town Manager. Such request shall be responded to, in writing, either positively or negatively within a reasonable time frame from receipt of such request by the Town Manager.
  - 2. Executive sessions, as may be allowed pursuant to ARS 38-431.03, as may be amended, to discuss legal matters or property acquisition, shall be requested by the chairman and scheduled jointly with the Council.

## **Article 2**

### **Committees**

#### **Section 5.2.1 Ad hoc Committees**

The Council may appoint temporary *ad hoc* committees for limited purposes. All committees are required to follow the procedures for meetings as set forth in Article 5.1. A quorum for all *ad hoc* committees will consist of a majority of members present at any meeting.